

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Amendment of Part 15 of the Commission's Rules for)	ET Docket No. 14-165
Unlicensed Operations in the Television Bands,)	
Repurposed 600 MHz Band, 600 MHz Guard Bands)	
and Duplex Gap, and Channel 37, and)	
)	
Amendment of Part 74 of the Commission's Rules for)	
Low Power Auxiliary Stations in the Repurposed 600)	
MHz Band and 600 MHz Duplex Gap)	
)	
Expanding the Economic and Innovation)	
Opportunities of Spectrum Through Incentive)	GN Docket No. 12-268
Auctions)	
)	
To: The Commission		

**MOTION FOR LEAVE, *NUNC PRO TUNC*, TO EXCEED THE PAGE LIMIT IN
SECTION 1.429(d) OF THE COMMISSION'S RULES**

The WMTS Coalition ("Coalition"), by its attorneys, hereby moves for leave to exceed the page limit for petitions for reconsideration in rulemaking proceedings set forth in Section 1.429(d) of the Commission's rules, *nunc pro tunc*.¹

The Coalition's Petition for Reconsideration in the above-captioned proceedings addressed many significant technical issues, as well as policy issues, that would not have been fully developed in 25 pages.² Specifically, the Coalition Petition sought reconsideration of technical and procedural rules that will not adequately protect licensed Wireless Medical Telemetry Service ("WMTS") systems from co-channel unlicensed TV White Space devices. WMTS systems are used for "life-critical" monitoring in hospitals, such as fetal monitoring and

¹ 47 C.F.R. § 1.429(d).

² Petition for Reconsideration of the WMTS Coalition, ET Docket No. 14-165, GN Docket No. 12-268 (filed Dec. 23, 2015) ("Coalition Petition").

monitoring the vital signs of critically ill patients and other patients who are ambulating but require continual monitoring. Because disruption to this monitoring could have potentially severe adverse effects on patient welfare as well as hospital staffing, consideration of the entirety of the Coalition's Petition serves the public interest.

For example, the Coalition presented detailed arguments challenging the FCC's numerous technical assumptions underlying the separation distances adopted, including the appropriate propagation model; the path loss caused by terrain, buildings and windows; the WMTS receiver's sensitivity and the required signal to noise ratio (SNR) necessary to receive a signal; and the FCC's assumption of a 10 meter height above ground level (AGL) for the WMTS antenna. The Coalition also discussed why the FCC should have credited the only field tests conducted at actual hospitals and the need for automated procedures to shut down offending unlicensed devices in the event interference occurs. Addressing these issues required substantial technical explanation.

The Commission and its bureaus have granted a number of requests to exceed the page limits set forth in Section 1.429 of the Commission's rules when doing so would serve the public interest,³ including those that were submitted after the pleading in question was filed. For example, the Commission granted Motorola's *nunc pro tunc* motion and allowed its previously-filed petition for reconsideration to exceed the 25-page limit after finding that the proceeding

³ See, e.g., *Policies Regarding Mobile Spectrum Holdings et al.*, Order on Reconsideration, 30 FCC Rcd 8635 ¶ 3 n. 11 (2015) (granting T-Mobile USA, Inc.'s Motion for Waiver of Page Limits); *Connect America Fund, et al.*, Order, 26 FCC Rcd 16998, 16999 ¶ 4 (WTB 2011) ("CAF Order") (granting in part a Joint Motion for Waiver of Page Limits); *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access et al.*, Order, 20 FCC Rcd 51 (WTB 2005) (granting the Wireless Communications Assoc. Int., Inc.'s Motion for Leave to Exceed Page Limit in Section 1.429(d) of the Commission's Rules).

involved “new and complex issues” and that “the public interest would be well served by full consideration of Motorola’s views on these matters.”⁴

Similarly, when the Commission allowed petitions for reconsideration of the *USF/ICC Transformation Order* to exceed 25 pages, it found that an extended page limit was warranted because “[t]he length of the [order] and complexity of issues presented may require greater discussion than the typical Commission order.”⁵ In this instance, the Order that was the subject of the Coalition’s Petition is 186 pages, including all appendices and attachments.⁶ Moreover, the Coalition Petition addressed very complex engineering issues that were absent from the *USF/ICC Transformation Order*.⁷

Granting this motion *nunc pro tunc* would not unfairly burden opposing parties, as they already have responded to the Coalition Petition in detail.⁸ No party that filed an opposition to the Coalition Petition argues that it was unable to fully address the substantive issues raised by the Coalition in its opposition,⁹ or asks the Commission to dismiss or deny the Coalition Petition based on its length.¹⁰

⁴ *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, Second Memorandum Opinion and Order, 15 FCC Rcd. 16844, 16884 ¶ 89 (2000).

⁵ *CAF Order*, 26 FCC Rcd at 16999 ¶ 4.

⁶ *Amendment of Part 15 of the Commission’s Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37*, Report and Order, 30 FCC Rcd 9551 (2015) (“*Part 15 R&O*”).

⁷ *See id.*

⁸ *See, e.g.*, Microsoft Corp., Response and Opposition to Petitions for Reconsideration, ET Docket No. 14-165, GN Docket No. 12-268 (filed Feb. 29, 2015) (“Microsoft Opposition”); Google Inc., Opposition to Petitions for Reconsideration, ET Docket No. 14-165, GN Docket No. 12-268 (filed Feb. 29, 2016) (“Google Opposition”).

⁹ Both Microsoft and Google note that the Coalition exceeded the page limit, however neither asserts that they had been prejudiced in any way by this fact. *See, e.g.*, Microsoft Opposition at 2; Google Opposition at 3 n.2.

¹⁰ *See id.*

In sum, because the Coalition Petition identified a number of material errors in the FCC's decision that potentially will adversely affect hospital operations nationwide, the public interest would be served by its full consideration. The Coalition requests that the FCC grant this motion *nunc pro tunc*.

Respectfully submitted,

THE WMTS COALITION

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March 10, 2016

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2016, a true and correct copy of the foregoing was provided first class mail to each of the following:

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